



ION. SYLVIA HINDS-RADIX  
orporation Counsel

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**By ECF**

March 8, 2022

Honorable Gabriel W. Gorenstein  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

In Re: *New York City Policing During Summer 2020 Demonstrations*,  
No. 20 Civ. 8924 (CM) (GWG)  
This filing is related to all cases

Your Honor:

I am a Senior Counsel in the Office of Hon. Sylvia Hinds-Radix, Corporation Counsel of the City of New York and I am among counsel for the defense in the above-referenced matter. We write in response to plaintiffs' letter, dated March 4, 2022 (Dkt# 431).

As an initial matter, the *Payne* plaintiffs' contention that defendants "did not produce responses to *Payne* plaintiffs' Second and Third Interrogatories and Document Requests and did not produce any of the videos or other documents sought" is inaccurate and misleading.

Defendants did in fact respond to the *Payne* plaintiffs' Second Document Requests. Notably, pursuant to the Court's order to chart all document requests, defendants *Payne's* responses to Document Request No. 2 appear on the Chart produced last week, at line 201. We have since learned that the documents that defendants had hoped to produce in response to the document request cannot be produced. The document request calls for 12 types of documents concerning the officers identified in Interrogatories 16 and 17. The officers cannot be identified, despite best efforts by this office and NYPD. Since those officers cannot be identified, documents concerning them cannot be produced.

Defendants also provided responses to the *Payne* plaintiffs' Third Set of Interrogatories and Document Requests. Responses were served on January 14, 2022, and defendants' responses further appear on the Chart produced last week at lines 175-186. Additional documents continue to become available, and will be produced shortly, including, body-worn camera footage for the

requested dates for certain officers<sup>1</sup>. Additional documents from the now-closed CCRB file, #202005197, and documents concerning IAB number C21-875 will be produced pursuant to the deposition protocol. In addition to what is mentioned in this letter, this evening, the defendants also provided Plaintiff with a detailed email concerning these interrogatories and requests. As such, defendants did not fail to comply with the Court's order and the request for sanctions are unwarranted.


With respect to documents relating to Edward Mullins' alleged "circulation of a racist video" or concerning an investigation, discipline or recommendation of discipline into same, NYPD found nothing in Sgt. Mullins' disciplinary history regarding this video. It is also not noted on his CCRB history. Defendants' response regarding the documents related to Sgt. Mullins appears in the Chart produced last week, at line 94. Defendants inadvertently noted on the Chart that documents would be provided "prior to the Court-Ordered date," meaning either March 11th or 18th, the dates that documents in response to plaintiffs' documents requests are due. When this error was brought to our attention, we immediately collected, reviewed and produced Sgt. Mullins' CCRB and IAB histories as evidence of no investigation. We also produced documents concerning the complaints against Mullins for offensive language and abuse of authority, the Charges & Specifications and NYPD logs related to three substantiated CCRB complaints as well as the files for those three substantiated complaints. Defendants apologize for not producing these documents on March 3<sup>rd</sup>, and respectfully submit that plaintiffs have suffered no prejudice as a result of this short delay in production, and thus the granting of sanctions is not warranted as to this issue.

Based upon the foregoing, defendants respectfully request that the Court deny Plaintiffs' application. Thank you for your consideration herein.

Respectfully submitted,

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cc: ALL COUNSEL (via ECF only)

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